

March 27-28, 2012

South Dakota Board of Medical and Osteopathic Examiners – Regular Board Meeting

Board Members Present: Mr. Patrick Burchill; Walter Carlson, MD (March 27); Mary Carpenter, MD; Mr. Bernie Christenson; Brent Lindbloom, DO; James Reynolds, MD; John Vander Woude, MD

Board Members Not Present: Walter Carlson, MD (March 28); David Erickson, MD; Robert Ferrell, MD.

Board Staff Present: Margaret Hansen, PA-C; Ms. Jane Phalen; Mr. Ted Huss

Counsel Present: Roxanne Giedd, Board; William Golden, Staff

Guests per sign in sheet: Jill Kirby; Jessica Rachetto, Karen Bumann, Kelly Jerstad, Tiffanie Van Eimeren, Nichole Colsch; Dr. Gregory Wittenberg, Lornell Hansen, Denton Haber, Bob Brockevelt, Peggy Craig.

Dr. Mary Carpenter, Vice President of the Board, called the meeting to order. The roll was called and a quorum was established. Board Members do not vote on Board actions for their respective cases.

The physician did not waive privilege so the Board entered closed session per SDCL 36-4-31.5 from 9:15 am to 6:00 pm on March 27. The closed session was continued to March 28 from 9 am to 1:15 pm.

The Board entered public session.

The minutes of the November 9, 2011, and February 10, 2012, meetings were approved (Mr. Burchill/ Unanimous vote).

Mr. Robert Brockevelt, PT, was introduced as a nominee to the Physical Therapy Advisory Committee (PTAC). Mr. Brockevelt was approved to serve on the PTAC (Dr. Reynolds/ Unanimous vote).

The New Licenses, Permits, Certificates and Registrations issued between November 1, 2011, to February 29, 2012 were approved (Mr. Christenson/Unanimous vote).

The financial report was accepted for information.

Declaratory Rules on Lasers: Dr. Lornell Hansen requested a declaratory ruling to clarify who can perform laser procedures. A policy was drafted by a Board appointed committee, and this policy was adopted by the Joint Board of Medicine and Nursing in September 2011. Dr. Hansen drafted a proposal to allow registered nurses to perform certain laser procedures under supervision. The Board received comments from guests Dr. Lornell

Hansen, Dr. Kelly Jerstad, Dr. Gregory Wittenberg, Ms. Jessica Rachetto, PA, and Ms. Tiffanie Van Eimeren, CNP. Procedures using any type of laser or light emitting device or source, and further, that the use of all lasers and/or light emitting devices or sources is the practice of medicine and can only be performed by medical doctors, doctors of osteopathy, physician assistants, certified nurse practitioners, and certified nurse midwives with appropriate training and supervision or collaboration as defined in South Dakota statute, and cannot be delegated (Dr. Reynolds/Unanimous vote).

The physician did not waive privilege so the Board entered closed session per SDCL 36-4-31.5. The public meeting resumed. A Public Reprimand for Dr. Edwin Gerrish was approved (Mr. Christenson/Unanimous vote).

Other Board Actions:

The Consent Agreement with Reprimand for Lia Eastman, PA, was approved (Mr. Burchill/Unanimous vote).

The request from Shantel Schumack, PA, for modification to supervisory agreement to perform nasal endoscopy procedures was approved (Dr. Lindbloom/Unanimous vote).

The request from Dr. Wafa Akkad, ABMS board certified in Internal Medicine for a waiver was approved (Dr. Lindbloom/Unanimous vote).

The Consent Agreement with Reprimand for Pamela Elshere, PA, was approved (Mr. Burchill/Unanimous vote).

The Stipulation and Agreement for James Ferrell, PA, was approved (Mr. Christenson/Unanimous vote).

The Stipulation and Agreement for Beau Braun, PA, was approved (Dr. Lindbloom/Unanimous vote).

The Consent Agreement with Reprimand for Kaitlin Feehan, PA, was approved (Dr. Vande Woude/Unanimous vote).

The Stipulation and Agreement for Amanda Garcia, EMT Student Status, was approved (Mr. Burchill/Unanimous vote).

The Consent Agreement with Reprimand for Kayla Mathieu, MA, was approved (Mr. Burchill/Unanimous vote).

The physician did not waive privilege so the Board entered closed session per SDCL 36-4-31.5. The public meeting resumed. The Voluntary Stipulation and Agreement for Dr. Jacob Kusmak, was approved (Mr. Burchill/Unanimous vote).

The Stipulation and Agreement for June Torrence-Heinz, PA, was approved (Dr. Lindbloom/Unanimous vote).

The special Board meeting scheduled for April 11, 2012, was cancelled.

The next regular Board meeting is Wednesday, June 27, 2012.

The meeting was adjourned at 3:47 p.m.